

REMARKS

1. Claims 1-3 and 6-9 are pending in this application. Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the amendments and discussion that follows.

2. Claims 1-3 and 6 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 2,396,816 to Boudreau. The applicant respectfully traverses these rejections.

The Examiner asserts that "Boudreau discloses . . . a spring . . . being disposed completely outside the internal chamber (inasmuch as applicant's spring is disposed outside the internal chamber, the internal chamber is open to the area containing the spring) (Figure 8)" (Office Action of 4/7/06, page 3). However, it would appear that the Examiner is mistaken in this regard. For example, FIGs. 3, 4 and 8 clearly show that the cartridges 50 of Boudreau and spring 12 of Boudreau occupy the same space, albeit at different times.

Further, even the strained interpretation that the internal chamber exists only above the carriage is an inoperative concept. The concept is inoperative because the claims are limited to "an internal chamber for holding a plurality of laterally aligned cartridges". Using this definition, the

Boudreau internal chamber would disappear the instant that it has less than two cartridges in the ammunition clip.

Since the concept advanced by the Examiner is inoperative, the rejections are improper. Since the rejections are improper, they should be withdrawn.

3. Claim 7 has been rejected under 35 U.S.C. §103(a) as being obvious over Boudreau. The applicant respectfully traverses this rejection.

The Examiner asserts in this regard that "Boudreau discloses the claimed invention except for the elongated housing comprising a pair of slots. It would have been obvious . . . to have two slots in the housing, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art" St. Regis Paper Co. v. Bemis Co., 193 USPQ 8" (Office Action of 4/7/06, page 4). It may be noted, first in this regard that the Examiner's rejection of the claim upon which claim 7 depends (claim 1) is apparently based upon an inoperative concept.

It may be noted next that there is no duplication of essential elements as asserted by the Examiner. For example, if there were to be a duplication of essential elements, then the duplication would have to be for the same purpose. However, the only longitudinal slot in Boudreau is the slot 23 "which permits

the follower to be manually moved downwardly against the compression of the spring as the cartridges are loaded into the magazine" (Boudreau, page 2, left column, lines 2-5).

In contrast, the slots 30 of the claimed invention are used to connect "a first secondary spring engagement portion 300 that lies inside the internal chamber 32" to "a primary spring engagement portion 302 that is disposed outside the internal chamber 32" (specification, par. [0035]). Since the claimed slots are used for a different purpose than the Boudreau slot 23, there is no duplication of essential working parts.

Since there is no duplication of working parts, the rejection is improper. Since the rejection is improper, it should be withdrawn.

4. Claims 8 and 9 have been rejected under 35 U.S.C. §103(a) as being anticipated by Boudreau in view of U.S. Pat. No. 2,441,735 to Warner. The applicant respectfully traverses the rejections.

The Examiner asserts that "it would have been obvious . . . to combine the secondary spring as taught by Warner with the clip as taught by Boudreau . . . to obtain an ammunition clip with better alignment" (Office Action of 4/7/06, page 5). However, again, the Examiner would appear to be in error.

It may be noted, first, that the Examiner's rejection of the underlying claim (claim 1) is based upon an inoperative concept.

It may be noted next that claim 8 is limited to a "spring follower slide". The spring follower slide 22 is described in the specification and shown in FIGs. 2b and 3b as being a sliding device that connects the spring in the external chamber with the spring within the internal chamber. Since neither Boudreau or Warner has separate internal and external chambers, they would not need a spring follower slide.

Since neither reference has an internal chamber and external chamber or a spring follower slide, the combination fails to teach or suggest each and every claim limitation. Since the combination fails to teach or suggest each and every claim limitation, the rejection is improper and should be withdrawn.

5. The allowance of claims 1-3 and 6-9 as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he/she is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

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